

REMARKS

In the June 28, 2006 Office Action, claims 10-14, 18-23, and 26 stand rejected in view of prior art, while claims 1-9, 15-17, 24, 25, and 27 were withdrawn for being directed to non-elected embodiments. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the June 28, 2006 Office Action, Applicants have amended claims 10, 18, 19, and 21 and cancelled claims 1-9, 11, 16, 17, 20, 24, 25, and 27 as indicated above. Further, Applicants respectfully traverses the rejection of claim 26 and have included comments to support the traversal. Moreover, Applicants have amended claims 12-15, 18, 19, 21, and 23 to correct form and/or grammatical errors discovered upon review. Thus, claims 10, 12-15, 18, 19, 21-23, and 26 are pending, with claims 10, 18, 19, 21, and 26 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Election of Species

On page 2 of the Office Action, Applicants' election without traverse was acknowledged. Thus, non-elected claims 1-9, 15, 24, 25, and 27 were withdrawn from further consideration. Applicants respectfully request that non-elected claim 15 be rejoined in this application upon allowance of a generic or linking claim, or claims. Specifically, non-elected claim 15 depends from claim 10.

Rejections - 35 U.S.C. § 102

On page 2 of the Office Action, claim 18 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,365,139 (Kasuga). In response, Applicants have

amended independent claim 18 to define clearly the present invention over the prior art of record.

In particular, independent claim 18 has been amended to recite that the communication means has receiving means and current time counter means that uses time information from the receiving means. Further, claim 18 also now recites time display means that displays time information on the basis of the current time information from the current time counter means, with the time display means being operable while the time information is being received by the receiving means.

In the Office Action, the seventh embodiment of Kasuga and the embodiment of Figure 32 are combined because the seventh embodiment of Kasuga fails to disclose or to suggest communication means as recited. Applicants respectfully assert that the information received by the external signal input means 852 of the embodiment of Figure 32 of Kasuga is provided to drive an eccentric weight and does not disclose or suggest receiving time information from outside to display current or corrected time information.

Clearly, this structure is *not* disclosed or suggested by Kasuga or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicants respectfully submit that claim 18, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Rejections - 35 U.S.C. § 103

On pages 2 and 3 of the Office Action, claims 10-14 and 19-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,365,139 (Kasuga). Further, on pages 6 and 7 of the Office Action, claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kasuga in view of U.S. Patent No. 7,027,360 (Kitahara et al.). In

response, Applicants have amended independent claims 10, 19, and 21, cancelled claims 11 and 20, respectfully traverse the rejection of claim 26, and have included comments to support the traversal.

Claims 10-14 and 19-23

Claim 10 has been amended to recite that the antenna receives electromagnetic waves, and the communication unit has a receiving unit and a current time counter. Further, claim 10 also now recites that the mechanical structure of the drive unit displays time information on the time display unit on the basis of current time information from the current time counter unit, the time display unit being operable while the electromagnetic waves are received. These limitations are similar to those of original claim 11 with the addition of the time display unit being operable while the electromagnetic waves are received. Claim 19 has been amended to recite that in the communication step a current time unit operates, and to recite a correction step in which the time displayed on the time display unit is corrected on the basis of the current time information from the current time counter unit, the time display unit being operable during the communication step. Finally, claim 21 has been amended to recite that the control unit drives the mechanical structure on the basis of the current time information from the current time counter unit, the time display unit being operable while the electromagnetic waves are received.

As stated, in the Office Action, the seventh embodiment of Kasuga and the embodiment of Figure 32 are combined because the seventh embodiment of Kasuga fails to disclose or to suggest an antenna or communication means as recited. Applicants respectfully assert that the information received by the external signal input means 852 of the embodiment of Figure 32 of Kasuga is provided to drive an eccentric weight and does not disclose or suggest using it to display current or corrected time information received from outside.

Clearly this arrangement is *not* disclosed or suggested by the Kasuga patent or any other prior art of record. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement.

Moreover, Applicants believe that dependent claims 12-15, 22, and 23 are also allowable over the prior art of record in that they depend from independent claims 10 and 23, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the inventions as set forth in independent claims 10 and 23, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Claim 26

Specifically, with respect to the rejection of claim 26, Applicants respectfully traverse this rejection, particularly in view of the following comments.

First, the subject application was filed after November 29, 1999. Second, the present application and the Kitahara et al. patent were commonly owned at the time the present invention was made. Thus, prior art that was commonly owned and based on 35 U.S.C. §102(e) is now disqualified as prior art against the claimed invention under 35 U.S.C. §103.

Statement Concerning Common Ownership

Application No. 10/780,903 and the Kitahara et al. patent (U.S. Patent No. 7,027,360) were, at the time the invention of

Application No. 10/780,903 was made, owned by, or subject to an obligation of assignment to Seiko Epson Corporation.

Accordingly, Applicant believes that claim 26 of the above-identified patent application are patentable under 35 U.S.C. §103(c), because the Kitahara et al. patent is *disqualified* as prior art. See also MPEP §§706.02(1)(1) and 706.02(1)(2). Accordingly, withdrawal of these rejections is respectfully requested.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

Prior Art Citation

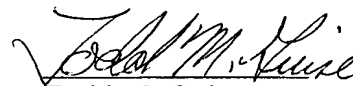
In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 10, 12-15, 18, 19, 21-23, and 26 are now in condition for allowance.

Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,


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